

**From:** Wayne Hedberg  
**To:** Mary Ann Wright, Associate Director  
**Date:** 12/3/98 3:55pm  
**Subject:** Phone call Documentation (Bob Steele) - Nephi Gypsum Quarry (M023/011)

On December 3, 1998, I finally contacted Bob Steele at his home to discuss the outstanding Nephi Gypsum Quarry permitting concerns with him. Numerous previous attempts by Division staff to reach him or leave messages had been unsuccessful.

I expressed my concern that we have not received any response from him in reply to our August 18, 1998 letter which outlines our permitting concerns for the mine site. I told him because we had not had any response from him, we were ready to issue a Non-compliance Notice to him and Mr. Tony Peck (co-permittee/operator). He stated that he meant to get back to us sooner, but he has been very busy lately.

I told Mr. Steele that we were aware of a recent meeting he had with Nephi Sandstone Incorporated (contract miner) to discuss the outstanding permitting issues. He confirmed that he had met with NSC and had also spoken with Mr. Tony Peck (co-permittee/operator) about our concerns and requests for additional information and bond.

Mr. Steele stated he believed we were mistakenly applying the mining law to private land and that this was wrong. He disagreed with our opinion that the adjacent private land that Nephi Sandstone is using to support operations at the Nephi Gypsum Quarry should be permitted and bonded. He believes this is a illegal stretch of the mining law which the legislature never intended.

He stated he agreed with and supports mined land reclamation, but believes it should not apply to the @7 acres of private land involved in this situation. He said he did not have a problem with the amount of requested reclamation surety per se (\$36,000), but disagrees with the applicability to the private land which will likely have any number of post-mining land uses.

Mr. Steele requested a copy of the law which we are applying to this situation so he can go over it with his legal counsel. I informed him that I would send him a copy of the law, the rules and a copy of the pending draft Non-compliance Notice. I stated that we probably could give him another 7-10 days to meet with his attorney and send us a response, before we were forced to take our next step. I also offered to arrange a meeting with all parties to sit down and discuss our position in this matter.

I told Mr. Steele that we prefer not to pursue legal enforcement action against him or Mr. Peck (operators), but would if that's what is required to resolve this matter. I also informed him of the uncompleted 1995 permit transfer documents that we discovered which need to be resolved ASAP. I told him I would send him a cover letter along with updated forms (permit transfer and reclamation contract) to be signed, notarized and returned to our office. He said he saw no problem in getting the new forms completed and returned to us.

Mr. Steele stated that he was willing to pursue taking legal action to resolve this matter, if necessary, especially if the law was wrong. He also stated that he would do a better job of staying in touch with us in the future.

**A COPY OF THIS E-MAIL MEMO WILL BE COPIED TO THE MINE FILE.**